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PATENTUNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BLECHINGER ET AL - 1 PCT

SERIAL NO.: 10/518,573

FILED: DECEMBER 22, 2004

PCT NO: PCT/AT2003/000124 FILED: APRIL 30, 2003

FOR: METHOD FOR OPERATING A WELDING DEVICE AND ONE SUCH
WELDING DEVICE

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed, please find PTO Form PCT/IB/338 and Form PCT/IPEA/409
 (International Preliminary Examination Report).

It is respectfully requested that these papers be placed into
 the application file.

Respectfully submitted,
 Kurt BLECHINGER ET AL

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on March 16, 2005.

Ingrid Mittendorff

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**NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**
(PCT Rule 72.2)

Date of mailing (day/month/year)
17 February 2005 (17.02.2005)

Applicant's or agent's file reference
R 41325

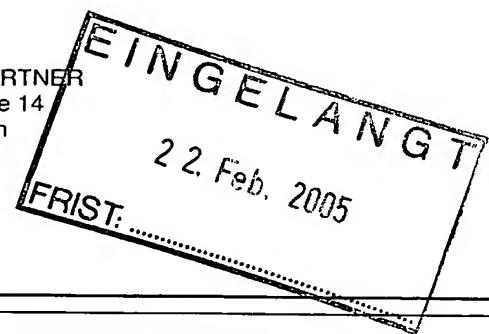
International application No.
PCT/AT2003/000124

Applicant
FRONIUS INTERNATIONAL GMBH et al

From the INTERNATIONAL BUREAU

To:

SONN & PARTNER
Riemergasse 14
A-1010 Wien
AUTRICHE



IMPORTANT NOTIFICATION

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

Facsimile No.+41 22 338 70 80

Translation

PATENT COOPERATION TREATY



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R 41325	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/AT2003/000124	International filing date (day/month/year) 30 April 2003 (30.04.2003)	Priority date (day/month/year) 04 July 2002 (04.07.2002)
International Patent Classification (IPC) or national classification and IPC B23K 9/10		
Applicant FRONIUS INTERNATIONAL GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 26 January 2004 (26.01.2004)	Date of completion of this report 02 September 2004 (02.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AT2003/000124

I. Basis of the report

1. With regard to the elements of the international application:*

- the international application as originally filed
 the description:

pages _____ 1-11 _____, as originally filed
 pages _____ _____, filed with the demand
 pages _____, filed with the letter of _____

- the claims:
- pages _____ _____, as originally filed
 pages _____, as amended (together with any statement under Article 19)
 pages _____, filed with the demand
 pages _____ 1-26 _____, filed with the letter of 08 July 2004 (08.07.2004)

- the drawings:
- pages _____ 1/3-3/3 _____, as originally filed
 pages _____ _____, filed with the demand
 pages _____, filed with the letter of _____

- the sequence listing part of the description:
- pages _____ _____, as originally filed
 pages _____ _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/fig _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/AT 03/00124

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	5-8, 17-19, 25, 26	YES
	Claims	1-4, 9-16, 20-24	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: WO 01 12374 (FRONIUS SCHWEISSMASCHINEN PRODUKTION GMBH & CO. KG) 22 February 2001 (2001-02-22)

1. The present application does not meet the requirements of PCT Article 33(1) since the subject matter of claims 1 to 4, 9 to 16 and 20 to 24 does not involve an inventive step within the meaning of PCT Article 33(3).

2.1 D1, which is considered the closest prior art, discloses:

a method of operating a welding device with a welding torch (figure 1, no. 8), the welding torch detecting operating states, data referring to which it transfers to a computing unit which then processes said data (page 7, lines 31 to 35; figure 1), the detected operating state data being processed according to stored specifications and compared with stored state data, and automatically associated messages being sent to external receivers as a function of the comparison results (page 13, lines 23 to 26, lines 28 to 30; figure 1).

Therefore the subject matter of claim 1 differs from the known method in that the detected operating state data are transferred to the computing unit via a standardized interface.

This feature is only one of several obvious possibilities from which a person skilled in the art would choose, according to the circumstances, in order to transfer the detected operating state data to the computing unit, without thereby being inventive. The subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

2.2 The features of dependent claims 2 to 4 are likewise disclosed by D1; cf. in particular page 12, lines 7 to 13, and page 15, lines 11 to 15.

Consequently the subject matter of claims 2 to 4 does not involve an inventive step within the meaning of PCT Article 33(3).

2.3 The features in claims 9 to 13 are generally known: the operating state data are always transferred in binary code to the computing unit (claim 9). Furthermore, the detected operating state data are always pre-processed before being sent to the computing unit (claim 10), and the specifications are always stored in a computing unit database (claims 11 and 12). It is moreover necessary to transfer a precise welding device identifier to the external receivers (claim 13).

Therefore the subject matter of claims 9 to 13 does not involve an inventive step (PCT Article 33(3)).

2.4 The subject matter of claims 14 to 16 and 20 to 24 does not involve an inventive step (PCT Article 33(3)).

2.4.1 D1 discloses the technical features of independent claim 14, apart from the following: the detection devices and, possibly, the control device are connected to the computing unit via a standardized interface. As stated above (in paragraph 2.1), this feature is only one of several obvious possibilities from which a person skilled in the art would choose, according to the circumstances, to connect the detection devices to the control device, without thereby being inventive. Therefore the subject matter of independent claim 14 does not involve an inventive step within the meaning of PCT Article 33(3).

2.4.2 The features in dependent claims 15, 16 and 20 to 24 have already been used for the same purpose in a similar welding device (see page 18, lines 1 to 10; paragraphs 2.2 and 2.3). The subject matter of claims 15, 16 and 20 to 24 does not involve an inventive step within the meaning of PCT Article 33(3).

3. The features listed directly in dependent claims 5 to 8, 17 to 19 and 25 and 26 cannot be derived in their present version from any of the search report citations (for example, none of the search report citations describes an OPC interface connected to a computing unit).